

Amendment No. 4 to HB1587

Hardaway
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 2084

House Bill No. 1587*

by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Title 7, Chapter 88, Part 1, is amended by adding the following language as new, appropriately designated section:

Section 7-88-1____.

(a) For the purpose of this section, unless the context otherwise requires:

(1) "Minority owned business" means a business that is solely owned, or at least fifty-one percent (51%) of the assets or outstanding stock of which is owned, by an individual who personally manages and controls the daily operations of such business and who is impeded from normal entry into the economic mainstream because of:

(A) Past practices of discrimination based on race, religion, ethnic background, or sex;

(B) A disability as defined in § 4-26-102; or

(C) Past practices of racial discrimination against African-Americans; and

(2) "Minority owned business participation plan" means a business plan for actively soliciting bids from minority owned businesses when a municipality or public authority purposes to finance, construct, lease, equip, renovate or acquire a qualified public use facility within a tourism development zone. Any such plan shall strive to maximize participation of minority owned businesses through both prime and second tier business contracting opportunities throughout the tourism

development zone and shall strive to achieve a level of minority owned business participation representative of the population demographics of the county in which the tourism development zone is located.

(b) Notwithstanding §7-88-108(a) or any other provision of law to the contrary, to be entitled to receive the allocations of state and local sales and use taxes as provided in this chapter, a municipality or public authority must first file with the department of finance and administration an application seeking certification of the tourism development zone and the planned public use facility as a qualified public use facility. The application shall include a master development plan for the proposed tourism development zone, containing such information as may be reasonably required by the department, and a minority owned business participation plan for the tourism development zone. No application shall be approved by the department that fails to include a master development plan or a minority owned business participation plan. A master development plan shall be approved by the legislative body of each local government entity with an ownership interest in any land within the proposed tourism development zone and such plan shall take into consideration any historic site, structure, or object listed or eligible to be listed on the national register of historic places. The department shall review the application to confirm that:

(1) The planned public use facility is qualified under the requirements of this chapter;

(2) The planned public use facility will be located within a qualified tourism development zone; and

(3) The minority owned business participation plan includes the following information:

(A) The proposal for purchasing goods and services from minority owned businesses;

(B) Information on programs to provide technical assistance to such businesses;

(C) A statement of intent to make a concerted effort to follow its minority owned business participation plan; and

(D) Any other information deemed relevant in the discretion of the commissioner.

(c) Notwithstanding any provision of this chapter to the contrary, the department of finance and administration shall annually review each municipality or public authority receiving an allocation pursuant to the provisions of this chapter for compliance with such municipality's or public authority's minority owned business participation plan.

(d) The provisions of this section shall only apply to any county having a population in excess of eight hundred thousand (800,000) according to 2000 federal census or any subsequent federal census.